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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/657,973 | 09/09/2003 | Wesley R. Schalk | 100201968-4 | 4138 |

7590 04/10/2006
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

HANSEN, COLBY M

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3682

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|---------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/657,973 | SCHALK ET AL. | |
| | Examiner | Art Unit | |
| | Colby Hansen | 3682 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 30 January 2006.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 11-13, 16-21 and 25-35 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) 11-13, 17-21, 24, and 30-35 is/are allowed.

6) ☒ Claim(s) 25-29 is/are rejected.

7) ☒ Claim(s) 16 is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a) ☐ All b) ☐ Some * c) ☐ None of:

 1. ☐ Certified copies of the priority documents have been received.

 2. ☐ Certified copies of the priority documents have been received in Application No. _____.

 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____. |
|---|--|

DETAILED ACTION

Claim Objections

Claim 16 is objected to because of the following informalities: claim 16 is dependent upon a canceled claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato (US Pat. 5,697,603).

Kato (US Pat. 5,697,603) discloses a power transmission arrangement (figs. 2(a)-2(c)), comprising: a shaft; a first gear 51 mounted on the shaft; a plate 53 supported by the shaft (of gear 51) and rotatable between a first position and a second position; a second gear 57 supported by the plate and engaged with the first gear 51; and a third gear 63 supported by the plate and movable between a disengaged position and an engaged position with the second gear when the plate is rotated between the first position and the second position; means for selectively engaging and disengaging the third gear with the second gear when the shift plate is rotated between the first position and the second position (rotation of “51” facilitates the “means for selectively engaging” of second and third gears, as broadly recited); wherein the first gear 51 is adapted to drive the third gear via the second gear when the plate is in the second position; wherein the plate

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53 is rotatable between the first position and the second position about an axis of the shaft; spring bias 5 (as broadly recited, every material has an inherent elastic coefficient or springiness, such that swing plates rotation due to the rotation of the motor incorporates a spring bias, that being the inherent elasticity of the motor driven gear 47) adapted to bias the plate to a first position (depending on rotation of motor); wherein the shift plate includes a cam feature (as broadly recited, the outer contour of second gear 63 serves as the cam feature) supporting the pinion gear, and wherein rotating the shift plate includes moving the pinion gear with the cam feature to selectively engage the pinion gear with the idler gear.

Claims 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al. (US Pat. 4,843,903).

Tanaka et al. (US Pat. 4,843,903) discloses a power transmission arrangement, comprising: a shaft; a first gear 7a mounted on the shaft; a plate supported by the shaft 30 and rotatable between a first position and a second position; a second gear 29 supported by the plate and engaged with the first gear 7a; and a third gear 12 supported by the plate (as broadly recited, upon engagement a certain normal force is transmitted from the second gear 29 to the third gear 12 thereby supporting at least a portion of the mass of 12) and movable between a disengaged position and an engaged position with the second gear 29 when the plate is rotated between the first position and the second position; means for selectively engaging and disengaging the third gear with the second gear when the shift plate is rotated between the first position and the second position (“means” facilitated by solenoid 32); wherein the first gear 7a is adapted to drive the third gear 12 via the second gear 29 when the plate is in the second position; wherein the plate is

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rotatable between the first position and the second position about an axis of the shaft; spring bias
33 adapted to bias the plate to a first position.

Allowable Subject Matter

Claims 11-13, 17-21, 24, and 30-35 are allowed.

Response to Arguments

Applicant's arguments filed 1/30/2006 have been fully considered but they are not persuasive.

Applicant argues that neither Kato nor Tanaka et al. disclose the equivalence of the “means for selectively engaging” and is therefor deficient. Examiner disagrees with applicant’s assessment that “equivalence” is necessary. Applicant is advised to consult MPEP 2182 which states, “structure disclosed in the specification is corresponding’ structure only if the specification or prosecution history clearly links or associates that structure to the function recited in the claim”. If applicant intends to read structure of the specification into the claim language, then applicant must explicitly invoke 35 USC 112, 6th paragraph and all that is involved therewith. Otherwise the “means” is interpreted in its broadest reasonable scope as any manner of actuating the assembly such that the function is fulfilled, which is anticipated by both Kato and Tanaka et al.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MEP. 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check **should not be** submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MEP. 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9306) on _____

(Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MEP. 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colby Hansen whose telephone number is (571) 272-7105. The examiner can normally be reached on Monday through Thursday and every other Friday from 7:30 PM to 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley, can be reached on (571) 272-6917. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Colby M. Hansen

Patent Examiner



4/6/06



RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER